

February 4, 2019
6:00 P.M.
Newport, Oregon

CITY COUNCIL MEETING

CALL TO ORDER AND ROLL CALL

The Newport City Council met on the above date and time in the Council Chambers of the Newport City Hall. On roll call, Allen, Botello, Sawyer, Jacobi, Parker, Goebel, and Hall were present.

Staff in attendance was: Spencer Nebel, City Manager; Peggy Hawker, City Recorder/Special Projects Director; Steve Rich, City Attorney; Gloria Tucker, Deputy City Recorder; Derrick Tokos, Community Development Director; Jim Protiva, Recreation Director; and Jason Malloy, Police Chief.

PUBLIC COMMENT

There was none.

PROCLAMATIONS, PRESENTATIONS, AND SPECIAL RECOGNITIONS

Proclamation Recognizing Layla Bretz for her Swimming Accomplishments - Received by Layla Bretz. Tucker introduced the agenda item. Sawyer presented the proclamation.

Oath of Office for Police Officer Andrew Becerra. Tucker introduced the agenda item. Malloy introduced Becerra. Hawker administered the oath of office. Becerra's mother pinned his badge.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of the Minutes of the Work Session of January 22, 2019;
- B. Approval of the Minutes of the Regular Session of January 22, 2019;
- C. Ratification of the Mayor's Appointment of Jason Nehmer and Mark Saelens for Terms Expiring December 31, 2019 to the Parks and Recreation Advisory Committee;
- D. Ratification of the Mayor's Appointment of Angela Pieti to the 60+ Advisory Committee for a Term Expiring December 31, 2020.

Allen suggested minor corrections to the minutes.

MOTION was made by Goebel, seconded by Hall, to approve the consent calendar with corrections to the minutes as noted by Allen. The motion carried unanimously in a voice vote.

PUBLIC HEARING

Public Hearing and Potential Adoption of Resolution No. 3839 Naming the Box Office at the Performing Arts Center the Chris and Julia Carlson Box Office. Tucker introduced

the agenda item. Nebel reported at the January 22, 2019 City Council meeting, the Council adopted Resolution No. 3837, initiating the naming process for the PAC box office, and a public hearing was scheduled for February 4. Since then, he said, the name has been finalized to the Chris and Julia Carlson Box Office.

Sawyer opened the public hearing on Resolution No. 3839 at 6:13 P.M. He called for public comment.

There was no comment. Sawyer closed the public hearing, for Council deliberation, at 6:13 P.M.

Goebel asked if the box office included the administration or conference rooms. Catherine Rickbone, Oregon Coast Council for the Arts Executive Director, stated the box office is separate from those rooms.

MOTION was made by Allen, seconded by Botello, to adopt Resolution No. 3839 naming the Newport Performing Arts Center box office the Chris and Julia Carlson Box Office. The motion carried unanimously in a voice vote.

Public Hearing and Potential Adoption of Resolution No. 3840, a Resolution Naming the Newport Performing Arts Center Concession Stand the McEntee Family Concession Stand. Tucker introduced the agenda item. Nebel reported at the January 22, 2019 City Council meeting, the Council adopted Resolution No. 3838, initiating the naming process for the PAC concession stand, and a public hearing was scheduled for February 4.

Sawyer opened the public hearing on Resolution No. 3840 at 6:16 P.M. He called for public comment.

There was no comment. Sawyer closed the public hearing, for Council deliberation, at 6:16 P.M.

Goebel asked if the concession stand included the kitchen. Rickbone stated that the concession stand includes the kitchen.

MOTION was made by Goebel, seconded by Allen, to adopt Resolution No. 3840, a resolution naming the Newport Performing Arts Center concession stand the McEntee Family Concession Stand. The motion carried unanimously in a voice vote.

COMMUNICATIONS

From Port of Newport - Request for Letter of Support to Obtain Federal EDA Funding to Replace the Pier as Part of the Port Dock 5 Complex. Tucker introduced the agenda item. Nebel reported in order to replace the pier of Port Dock 5 that the Port of Newport is looking at an expenditure of \$2.4 million. He said the Port is pursuing funding through a Public Works Economic Adjustment Assistance Program Grant and a BUILD Grant from the US Department of Transportation. Director of Operations for the Port of Newport, Aaron Bretz and Interim General Manager, Teri Dresler, presented on the project. Dresler said the Port would fund the project with grants and operation reserves, and the Port is seeking letters of support for the grants.

Allen asked how the Port would balance the operation reserves for the project with Port operations. Dresler stated the reserves are unrestricted and have not been designated for anything. Allen asked if those reserves had been set aside with the intent to be used for a specific purpose. Dresler reported they had not.

Goebel asked if the Port had a Plan B for the project if the grants did not go through. Dresler said there has not been a conversation yet on Plan B, and the Port would delay

the project without the grants. Goebel asked if the Port had enough funds to proceed with the project. Dresler replied that the Port did have enough funds, but they have not had a conversation yet on directing those funds to the project.

Allen asked if there had been any opportunities lately to bring additional revenue into the Port. Dresler said the Port has had a couple of new inquiries about leases, and they are researching shipping deals.

Hall asked if there would be any challenges with the timing of the project. Bretz stated the work has to be done in the winter. Hall asked if additional businesses could be accommodated at the Port once the project is complete. Bretz reported the project is a gateway project, and that the pier would give them the potential to develop more but not quite get them there.

Parker asked where the Port would dispose of the old pilings and what the plan would be for boats and businesses during construction. Bretz replied the marina would be open during construction so a temporary structure would be built for access, and disposal of pilings would be at Coffin Butte.

MOTION was made by Goebel, seconded by Parker, to authorize letters of support for state or federal funding for the pier replacement project at Port Dock 5, and authorize the Mayor and City Manager to sign those letters of support. The motion carried unanimously in a voice vote.

From the Midwater Trawlers Cooperative: Heather Munro Mann Regarding Legislative Actions Impacting the Port of Newport. Tucker introduced the agenda item. Nebel reported Heather Mann, of the Midwater Trawlers Cooperative, requested to make a presentation to the City Council regarding legislative actions relating to the future of the Port of Newport. He said there are a variety of views on this legislation, and it may be appropriate for the Mayor to allow others to speak on this issue, as well, to understand the various perspectives on this significant legislative effort. Mann presented on the Midwater Trawlers Cooperative's opposition to House Bill 2284.

Goebel asked about the progress of working across lines with other stakeholders. Mann replied they are working closely with the Port, but the situation has become polarized with the longshoremen, making it difficult to work together. Goebel asked if the longshoremen would be loading should there be shipping business at the port. Mann said that would be up to the shipping company. Goebel asked if there would be room for shipping and commercial fishing at the Port. Mann reported that Bretz believes small-scale shipping can be accommodated with commercial fishing.

Nebel said he notified the longshoremen about discussion this issue before Council, and they may do that in the future.

Goebel asked Dresler if there had been any more discussion about shipping with the Teevins. Dresler stated nothing is certain at this point. She added she is in discussions with a number of folks, including hazelnut processors.

Allen asked how much is needed to make the International Terminal self-sufficient. Dresler said \$1.14 million total is needed to make the terminal sustainable. Allen asked if the Port is able to generate funding for maintenance reserves. Dresler reported the Port is not in the position to put money away, but is trying to get to that point. Allen asked if there was any kind of timeline for that. Dresler replied one thing will not solve the issue, and the Port needs to look at a number of opportunities.

Goebel said he thought the terminal was never meant to stand alone without subsidy, and asked if that was correct. Dresler reported he was right, but that is the goal eventually.

Dresler added the Port is working on communication pieces about revenue issues and will share them with the Council.

David Jincks said he has been a commercial fisherman and Port Commissioner. He stated he has seen the Port miss opportunities because they were bad business deals. He reported the Port has a strong stance on debt, and none of the deals so far seemed to be of substantial benefit for the Port. He added he fully supports the Port Commission right now.

From Thompson's Sanitary Service - Update on China Recycling Crisis. Tucker presented the agenda item. Nebel reported Rob Thompson, of Thompson Sanitary Service, will update the Council on the impact that China's policies have had on recycling in Oregon.

Rob Thompson indicated the elimination of the Chinese market for mixed recyclables is the new norm. He added the tip fee for Thompson's is at an equilibrium. Amy Thompson reported on the education efforts regarding recycling changes to youth and the community.

Allen asked when the Solid Waste Advisory Committee would meet next. Rob Thompson replied the next meeting is February 12.

Goebel asked if there is a movement to build recycling facilities for plastic in America. Rob Thompson said that would be a long-term solution.

Hall asked if other countries are able to achieve the contamination rate set by China. Rob Thompson explained the criteria is basically unattainable.

Parker asked Amy Thompson if the schools received reusable silverware as part of youth education efforts and if Sodexo contributed to the cost. Amy Thompson replied the schools have received silverware and Sodexo contributed labor to cleaning the silverware. Parker asked Rob Thompson if plastic producer buyback was being considered. Rob Thompson said product stewardship is being discussed in British Columbia.

Botello suggested bilingual commercials about recycling changes.

Rob Thompson added he will give Thompson's annual report in April.

From Councilor Allen - Update on the Public/Private Climate Change Partnership. Tucker introduced the agenda item. Nebel reported Council President, David Allen, would give an update to the Council on discussions to date with this effort. Allen stated the partnership is moving forward. He said a carbon reduction bill is in committee at the state level, and public forums will be held to talk about the bill eventually. He added there may be a formal agenda item on this issue in March.

Botello asked if this has been shared with the Vision 2040 Advisory Committee. Nebel said Vision 2040 Advisory Committee does not initiate action, but reports on the groups working on issues outlined in the vision.

Parker asked for the bill number. Hall said the bill is House Bill 2020.

CITY MANAGER'S REPORT

Review of a Draft Ordinance Regarding the Prohibition on the Use of Single-Use, Plastic, Carryout Bags at Retail Establishments and Various Events. Tucker introduced the agenda item. Nebel reported at the January 22 City Council meeting, the Council heard a report from the Newport Chapter of Surfrider Foundation requesting consideration of an ordinance that would restrict the use of single-use, plastic, carryout bags from various retail, and events and activities. Nebel stated Surfrider Foundation provided a model ordinance on single-use, plastic, carryout bags to the City Recorder who has put the model ordinance in a City draft format for Council's review. Nebel explained the draft ordinance prohibits distribution of single-use, plastic, carryout bags at retail establishments, City facilities, City-managed concessions, City-sponsored events, and/or City-permitted events, and discourages use of paper bags as a substitute for reusable bags. The draft ordinance specifically excludes regulation of bags used by consumers inside retail establishments for packaging fruit, vegetables, nuts, grains, small hardware items, plastic used to wrap meat or frozen foods, plastic used to wrap flowers, potted plants or other items (where dampness may be a problem), plastic that is used to contain unwrapped prepared foods or bakery goods, or pharmacy prescription bags. In addition, single dry cleaning bags or bags sold in packages containing multiple bags intended to be used for home food storage, garbage waste, pet waste, and yard waste are excluded from this regulation.

Nebel said there is a provision that requires a pass-through cost of not less than \$.05 per recyclable paper bag, and provides that if a retail establishment makes a reusable bag available to the customer, a charge of not less than \$.50 per reusable bag be assessed. Retail establishments having 5,000 or less square feet of floor area are not required to charge for recyclable paper bags. Nebel reported these provisions are scheduled to be effective July 1, 2019 for retail establishments with greater than 10,000 square feet of floor area, and on January 1, 2020 for all other retail establishments. He explained the draft ordinance provides that a retail establishment may request of the City Manager an extension of not more than six months, by indicating that these implementation dates would create an undue hardship on that retail establishment. Nonconformance with these regulations will result in a civil violation. The first violation in the calendar year would result in a written warning, and the next violation after that being \$100, and \$250 for each subsequent violation, thereafter, in a calendar year.

Nebel outlined the options for the Council, which included refer an ordinance to the voters, hold a public hearing on March 4, establish a work group, and do not proceed.

Allen clarified with Nebel that Nebel's recommendation is the Council does not have to weigh in on the issue of referring the ordinance out for a vote until the Council goes through more public hearings.

Goebel said he doesn't have a problem with looking at the ordinance, but he would prefer a work group or work session.

Katherine Valentino spoke in favor of the plastic bag ban.

Terry Obteshka spoke in favor of the ban.

Scott Rosin spoke in favor of the ban.

Ted DeWitt spoke in favor of the ban.

Allison Rose Pettett spoke in favor of the ban.

Weston Pettett spoke in favor of the ban.

Bri Goodwin reported that the Oregon cities who have implemented a version of the ban have anecdotal information rather than data. She added should the city proceed with

a ban, the Surfrider Foundation would work to give out free reusable bags and help the city with community outreach.

Allen asked if Surfrider had reached out to Toledo, Lincoln County Commission, Lincoln City, Waldport, or Depoe Bay. Goodwin replied Surfrider is working with Newport, Waldport and Yachats. She added there is some interest in Lincoln City and Lincoln County, but most of those residents do their grocery shopping in Newport.

Consuelo Kammerer spoke in favor of the ban.

Diya Heal spoke in favor of the ban.

Richard Heal spoke in favor of the ban.

Parker reported on his direct experience picking up plastic bags in Newport and along the Oregon Coast. He said he has personally picked up nearly 5,000 plastic bags to date. He added there is a provable environmental harm.

Allen explained his previous work regarding this issue. He reported he agrees and supports the statement in the City Manager's Report that "the ultimate vote of the citizens is the gold standard of public involvement with policymaking."

Goebel indicated that while personally he does not like plastic, he wants to involve the public on making a decision. He added he did not have trouble with the public making the decision or the Council making the decision on the ban.

Parker echoed the desire to elicit as many people as possible to comment who are residents of the city of Newport and the County.

Hall stated she believed the Council is receiving public comment at the Council meetings and online from Newport residents. She emphasized that 2013 and 2019 are different times.

Allen responded taking the issue out to the voters of Newport might reflect a different vote, but no one will ever know unless Council takes that opportunity.

MOTION was made by Parker, seconded by Hall, to schedule a public hearing on the draft ordinance to ban single-use plastic bags for Monday, March 4, 2019.

Goebel clarified with Nebel that the motion sets up a public hearing. Nebel affirmed the city would reach out to the public before the hearing.

Allen said he supports the motion only because any decision regarding imposing an ordinance or referring it out will be put off for another day.

The motion carried unanimously in a voice vote.

Authorization to Transfer Funds from the Police Reserve Funds for the Purchase of a Drug Detection Canine and Equipment. Tucker introduced the agenda item. Nebel reported Chief Malloy would like to have the capability of having a dog on duty seven days a week instead of the current three or four days a week. Malloy requested that Council consider transferring \$57,000 from the Police Reserve Fund to purchase a second drug-detection canine, canine vehicle and accessories relating to training and deployment.

Parker asked what drugs the canine specializes in. Malloy explained the canines are trained for heroin, methamphetamine, and cocaine detection.

Hall asked why the police vehicle is needed. Malloy stated purchasing the vehicle now would mean the city saves money.

Goebel asked how the dogs are used. Malloy reported the officers have to have reasonable suspicion, probable cause, or a search warrant to deploy a dog, and a dog cannot search a person.

Botello asked if the dogs were used in schools. Malloy said the dogs aren't used as much as in the past but sweeps are conducted.

MOTION was made by Goebel, seconded by Parker to approve the transfer of \$57,000 from the Police Reserve Fund to the Police Operating Budget for the purposes of purchasing a second drug-detection canine, canine vehicle and accessories, relating to canine training and deployment, with the transfer being reflected in an upcoming supplemental budget. The motion carried unanimously in a voice vote.

Authorization of Funding Changes for the City of Newport's 2018-2021 State Transportation Improvement Plan (STIP). Tucker introduced the agenda item. Nebel reported the final estimated costs from ODOT are running significantly higher than the projected costs at the time the funding commitments were made for these projects. He stated he recommends that the enhanced funds committed for the NE 25th to NE 36th sidewalk project be shifted to a South Beach project to complete the funding picture for that project, with the City proceeding with a local sidewalk extension project for the NE 25th to the NE 36th Street extension. He added the item will be prepared for consideration in the 2019-2020 budget.

Tokos reported both projects are priorities in the Urban Renewal Plan and Transportation System Plan. He said, at this time, the most prudent option is to redirect the federal funding to the South Beach project so the funds remain in and benefit this community.

Allen asked if the north-side project has roughly \$580,000 committed from the city. Tokos stated those are federal funds. Allen confirmed with Tokos that the city would not be losing any money on the project.

Hall asked when the project would be complete. Tokos reported, through ODOT, construction would likely be 2021. Hall asked if there is staff to complete this project locally. Tokos explained the city would likely contract the project out.

Goebel indicated he was concerned with stealing sidewalk dollars for another project. Nebel replied sometimes a gift of funds ends up costing a lot, and the city cannot do the north-side project as a federal project. Goebel stated sidewalks continue to be a low priority. Nebel said compliance requirements with DEQ have hurt some of these kinds of projects. He added the city is in the process of hiring a project manager position, which will help quite a bit.

Jacobi asked about the position of the sidewalk in the north-side project. Nebel explained the guardrail will remain and a path would be built on the other side of it.

Allen asked what the timing would be for Urban Renewal Agency regarding the north-side project. Tokos said spring.

Botello asked how the city weighs what needs to be done first. Tokos explained the priorities are generally set in the facilities plans in tiers, and as opportunities arise for funding, projects will move ahead.

Goebel asked if there would be a second Public Works Director. Nebel said that has not been pursued this year but will be back for discussion at budget time. Goebel asked if the city is confident this would be the last transfer of city money to the South Beach project. Tokos said design costs are final, but construction costs have not been locked down yet.

Botello asked if there could be a report on the timing and progress of these public improvement projects. Nebel replied that has been an issue for the city, and the city is continuing to work on it.

MOTION was made by Allen, seconded by Goebel to transfer federal transportation dollars committed through the ODOT Enhanced Program from the NE 25th Street to NE 36th Street sidewalk project to the South Beach US Highway 101 project, which will complete sidewalks on both sides of the highway, close the intersection of SE Ferry Slip and Highway 101, and relocate the signalized intersection from SE 32nd Street to a new intersection at SE 35th Street, in accordance with the Newport Transportation System Plan in the South Beach Urban Renewal Plan. The motion carried unanimously in a voice vote.

MOTION was made by Allen, seconded by Parker, to instruct city administration to prepare a budget request to locally fund the extension of a sidewalk from NE 25th Street to NE 36th Street, along US Highway 101 to replace the former ODOT Enhanced Funded project. The motion carried unanimously in a voice vote.

Scheduling a City Facilities Tour. Tucker introduced the agenda item. Nebel reported Council opted not to schedule a city-wide tour on the suggested date of February 8, due to conflicts with schedules. He recommended Wednesday, February 27 from 10:30 A.M to 5 P.M. for the tour.

MOTION was made by Parker, seconded by Goebel, to schedule a tour of City facilities on Wednesday, February 27 beginning at 10:30 A.M. and running until 5 P.M. The motion carried unanimously in a voice vote.

PUBLIC COMMENT

Marletta Noe apologized to the Mayor and City Manager.

Gary Lehman asked who the consultant and builders were for the gravel strips on Oceanview. He reported the gravel path is mostly washed away. Nebel explained Oceanview was discussed extensively last summer, and one of the biggest issues was not having a spot to step out of the way.

Allen said the path has started to go into disrepair, and maintenance needs to be considered. He added he thought fog lines were going to be painted as well at some point. He indicated he hopes the topic comes back up in the spring. Nebel replied the intent is to discuss Oceanview in the spring.

Mona Linstromberg stated she felt that asking people if they resided in Newport, put people on the defensive and discouraged people from speaking on the plastic bags issue. Allen said his point is that the issue pertains to every jurisdiction and people outside of Newport should speak to their city councils and county commissions in addition to Newport.

REPORT FROM MAYOR AND COUNCIL

Jacobi requested the Council take a break at the two-hour mark in meetings.

Hall passed on information regarding speaking to deaf and hard of hearing drivers to the Police Chief.

Goebel suggested scheduling a workshop to update the Council on the Urban Renewal Agency.

Sawyer reported the Coast Guard at the Yaquina Bay station appreciate everything the community has done, and members are doing well at this time.

ADJOURNMENT

Having no further business, the meeting adjourned at 9:55 P.M.

Gloria Tucker, Deputy City Recorder

Dean Sawyer, Mayor